

E-Filed 3/12/09

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MELINDA AMEZCUA, individually and on
behalf of a class of similarly situated individuals,

Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS, a Delaware general partnership,
MOBILEFUNSTER, INC. d/b/a FUNMOBILE, a
Delaware corporation, FUNMOBILE GAMES,
INC., a Delaware corporation,

Defendants.

Case Number C 08-4390 JF (PVT)

**ORDER¹ GRANTING REQUEST TO
CONTINUE HEARING**

Currently pending before this Court is Plaintiff's motion to remand the instant action to the Santa Clara Superior Court. Defendants have advised the Court of a nearly identical action in which a judge in this district granted the plaintiff's motion to remand after considering substantially the same arguments as those presented here. In that action, the defendants then timely filed a petition for review of the district court's remand order pursuant to 28 U.S.C. §

¹ This disposition is not designated for publication in the official reports.

1 1453 of the Class Action Fairness Act. Defendants in this case now urge the Court to continue
2 the hearing date on Plaintiff's motion to remand on the ground that the Ninth Circuit may well
3 decide precisely the issues presented here. Having considered the parties' arguments, the Court
4 agrees that considerations of judicial economy weigh strongly in favor of a continuance.
5 Accordingly, the Court will vacate the March 13, 2009 hearing on Plaintiff's motion to remand
6 and will set the motion for hearing on June 26, 2009 at 9 AM. Should the Ninth Circuit act
7 before that time, the Court will entertain a motion to shorten time on the hearing pursuant to
8 Civil Local Rule 6-3.

9 **IT IS SO ORDERED.**

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11 DATED: 3/12/09

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14 JEREMY FOGEL
United States District Judge

1 This Order has been served electronically upon the following persons:

2 Dan Edward Marmalefsky dmarmalefsky@mofo.com, skay@mofo.com

3 David Christopher Parisi dcparsi@msn.com, shavensbeckman@msn.com

4 Geoffrey Aaron Graber ggrab@mofo.com, ppomerantz@mofo.com

5 Michael S. Doluisio michael.doluisio@dechert.com

6 Penelope Athene Prevolos pprevolos@mofo.com, kfranklin@mofo.com

7 Sarah Wager sarah.wager@dechert.com, carol.skogstrom@dechert.com

8 Notice has been delivered by other means to:

9 Karen C. Daly
10 Dechert LLP
11 Cira Centre
2929 Arch Street
Philadelphia, PA 19104